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| APPLICATION NO.   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---------------|----------------------|---------------------|------------------|
| 09/807,608  | 12/26/2001    | Jack David Hammond   | Q63675              | 2071             |
| 23373   | 7590          | 08/18/2008           |                     |                  |
| SUGHRUE MION, PLLC<br>2100 PENNSYLVANIA AVENUE, N.W.<br>SUITE 800<br>WASHINGTON, DC 20037 |               |                      | EXAMINER            |                  |
|   |               |                      | JABR, FADEY S       |                  |
|   |               |                      | ART UNIT            | PAPER NUMBER     |
|   |               |                      | 3628                |                  |
|   |               |                      |                     |                  |
| MAIL DATE   | DELIVERY MODE |                      |                     |                  |
| 08/18/2008  | PAPER         |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |
|------------------------------|--------------------------------------|---------------------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/807,608 | <b>Applicant(s)</b><br>HAMMOND ET AL. |
|                              | <b>Examiner</b><br>FADEY S. JABR     | <b>Art Unit</b><br>3628               |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

1) Responsive to communication(s) filed on 15 May 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 40-43 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 40-43 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No.(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Status of Claims*

Claims **36-39** have been cancelled. Claims **40-43** have been newly added. Claims **40-43** are pending and are presented for examination.

### *Response to Arguments*

1. Applicant's arguments with respect to claims **41-43** have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **40-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong, U.S. Patent No. 5,029,094 in view of Gressel et al., U.S. Patent No. 6,609,114 B1, hereinafter referred to as Wong and Gressel respectively.

As per **Claims 40 and 42**, Wong discloses a method and system comprising:

- a sensor to sense parking of a vehicle in the parking space (C. 2, lines 37-41); and
- a processor coupled to the sensor, the processor being programmed to:

- charge a fixed charge rate for sensed parking during the prescribed period  
(C. 1, lines 44-59).

Wong fails to *explicitly* disclose charge a variable charge rate for sensed parking during a subsequent period successive to the prescribed period, *wherein the variable charge rate increases for successive time increments of the subsequent period...* However, Wong does disclose a two-tier pricing schedule for peak parking period having a higher charging rate and non-peak parking period having a lower charging rate. Further, Wong discloses a charging rate can be adjusted in accordance with the parking duration of time for instance, the charging rate for the first time for instance; the charging rate for the first parking hour is US\$ 0.50/hour while the charging rate for the second parking hour is increased to US\$ 1.0/hour... etc. By doing so, the long-term parking will be discouraged and thus the parking turn over rate can be significantly improved (charging an increasingly higher variable price that increases as time progresses and thereby is a disincentive to usage of the parking space) (C. 1, lines 44-59). Furthermore, Gressel teaches the tariff for parking in a parking space reserved for load/unload for the zero'th 15 minute increment might be \$0.10, whereas in the tenth thirty minute increment might be \$40 (C. 11, lines 59-63). Moreover, Gressel teaches a sample table storing two sequences of parking time-intervals...the first sequence is suitable for busy parking locations in which it is desired to strongly deter drivers from parking for period longer than a few minutes...(C. 10, lines 25-31, C. 31, line 60 – C. 32, line 4, also see Figure 8B).

It would have been obvious to one of ordinary skill in the art to include in the parking system of Wong the ability to flexibly increase the parking rate corresponding to time increments as taught by Gressel since the claimed invention is merely a combination of old elements, and in

the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claims 41 and 43**, Wong fails to *explicitly* disclose wherein the parking space is manageable by selecting the durations of the prescribed and subsequent periods, the durations of the successive time increments, the values of the fixed and variable charge rates, and combinations thereof. However, Wong discloses the charging rate can be adjusted according to different parking periods....so as to provide clients with more reasonable parking fee schedules (C. 1, line 44-59). Moreover, Gressel teaches a parking meter which can be programmed to employ different sequences of parking-time intervals (C. 31, line 60 - C. 32, line 4).

It would have been obvious to one of ordinary skill in the art to include in the parking system of Wong the ability to program the parking meter with different parking rates and time increments as taught by Gressel since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FADEY S. JABR whose telephone number is (571)272-1516. The examiner can normally be reached on Mon. - Fri. 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr  
Examiner  
Art Unit 3628

FSJ

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**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

or faxed to:

**(571) 273-1516** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

/F. S. J./  
Examiner, Art Unit 3628

/JOHN W HAYES/  
Supervisory Patent Examiner, Art Unit 3628